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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,891	06/30/2003	Ralph Thomas Hctor	RD-27,855-4	8353
41838 7590 12/07/2007 GENERAL ELECTRIC COMPANY (PCPI) C/O FLETCHER YODER P. O. BOX 692289 HOUSTON, TX 77269-2289			EXAMINER ZEWDU, MELESS NMN	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,891

Applicant(s)

HOCTOR ET AL.

Examiner

Meless N. Zewdu

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-17 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 6-11, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

1. This action is the first on the merit of the instant application.
2. Claims 1-23 are pending in this action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,269,427 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 6, 14 and 23, in the instant application are patentably indistinct from claim 1 of the patent, except the claims mentioned in the application are more broader than claim 1 in the patent. The only difference, a difference which does

not have patentable weight, is “transmitting wireless signals from a plurality of objects”, recited in the instant application. This feature does not have patentable weight because despite the signals received at the at least three receivers from the plurality of objects, the location of “at least one of the objects” is determined. However, claim 1 in the patent also calls for the determination of the location of at least one object. In other words, there is not showing of simultaneous determination of locations for the plurality of objects in the instant claims. As it stands now, the system/method defined by the instant claims determines locations of objects one at a time. This is not in anyway patentably different from claim 1 of the patent. In further instances, claims 2, 3, 10-13 and 16-19 in the instant application read on claims 2-9 in the patent; instant claims 11-13 and 20-23 read on 8-9 of the patent. As indicated in the above instances, the claims in the instant application are not patentably distinguishable over the claims in the patent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, 14, 15 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Patwari et al. (Patwari) (US 6,472,038 B2).

As per claim 1: Patwari discloses a method for determining a location of an object within an area of interest (see col. 1, lines 22-28; col. 2, lines 55-65; col. 4, lines 21-31), comprising:

transmitting wireless signals from a plurality of objects to at least three receivers (see col. 3, lines 5-19);

calculating, at each of the at least three receivers, time difference of arrival information based on the wireless signals (see col. 3, lines 14-18; col. 4, lines 47-52);
and

determining a location of at least one of the objects within said area of interest based on said time difference of arrival information (see col. 3, lines 47-50).

As per claim 2: Patwari discloses a method, wherein said wireless signals comprise RF signals (see abstract). Examiner considers and believes that the instant prior art, at least includes/applies, a radio frequency (RF) signals.

As per claim 5: Patwari discloses a method, wherein the step of determining a location of the object comprises using a least squares algorithm (see col. 19, lines 36-58; col. 20, lines 34-55).

As per claim 14: Patwari discloses a system for determining a location of an object within an area of interest (see col. 1, lines 22-28; col. 2, lines 55-65; col. 4, lines 21-31), comprising:

a mobile device carried by each of a plurality of objects (col. 3, lines 1-5), said

mobile device including a transmitter for transmitting a wireless signal (see col. 3, lines 1-5);

at least three base stations within said area of interest, each of said at least three base stations comprising a detector for detecting the wireless signals transmitted from a plurality of said mobile devices (see col. 3, lines 1-23; col. 4, lines 50-52), and further comprising a processor for deriving time difference of arrival information based on the wireless signals (see col. 4, lines 50-52); and

a controller for determining the location of at least one of the objects within said area of interest based on the time difference of arrival information calculated by each of the three base stations (see col. 3, lines 47-53).

As per claim 15: the feature of claim 15 is similar to the feature of claim 2. Hence, claim 15 is rejected on the same ground as claim 2.

As per claim 23: the features of claim 23 are similar to the features of claim 14, except claim 14 is directed to a system and claim 23 is directed to a method comprising steps that are expected to be performed by the system of claim 14. Hence, since the method is required by the system, claim 23 is rejected on the same ground as claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 10-13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patwari et al. (Patwari) in view of Werb (US 2003/0013146 A1).

As per claim 3: Patwari does not explicitly teach about a method, wherein said RF signals comprise UWB signals, as claimed by applicant. However, in the same field of endeavor, Werb teaches about a hybrid real-time location system and methodology wherein a UWB signal is used for locating a transmitter or a receiver (see paragraphs 0041, 0050). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Patwari with that of Werb's UWB signals for the advantage of acquiring extremely high resolution, when it is required (see paragraph 0041).

As per claim 4: Werb teaches a method, wherein said UWB signals comprise TR-UWB signals (see paragraphs 0041, 0057).

As per claim 12: Werb teaches about a method, wherein the step of transmitting the UWB signals is performed by a transmitter carried by a patient, and wherein said area of interest is a medical facility (see paragraphs 0037, 0041).

As per claim 13: Werb teaches about a method, wherein the step of transmitting the UWB signals is performed by a transmitter attached to medical equipment, and wherein said area of interest is a medical facility (see paragraphs 0041, 0037).

As per claim 17: the feature of claim 17 is similar to the feature of claim 4. Hence, claim 17 is rejected on the same ground and motivation as claim 4.

As per claim 20: the feature of claim 20 is similar to the feature of claim 12. Hence, claim 20 is rejected on the same ground and motivation as claim 12.

As per claim 21: the feature of claim 21 is similar to the feature of claim 13. Hence, claim 21 is rejected on the same ground and motivation as claim 13.

As per claim 16: the feature of claim 16 is similar to the feature of claim 3. Hence, claim 16 is rejected on the same ground and motivation as claim 3.

As per claim 17: the feature of claim 17 is similar to the feature of claim 4. Hence, claim 17 is rejected on the same ground and motivation as claim 4.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patwari, as applied to claims 14-15 above, and further in view of Richards et al. (Richards) (US 6,466,125 B1).

As per claim 22: Patwari does not explicitly teach about transmitting medical information of a patient with the RF signal, as claimed by applicant. However, in the same field of endeavor, Richards teaches about tracking people needing healthcare wherein an electronic monitor, carried by a patient, transmits and receives impulse radio signals to and from a central station enabling the central station display information contained in the impulse radio signals, wherein the signals carry vital sign(s) of a patient (see at least, col. 25, lines 19-38; col. 26, lines 18-32). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Patwari with that of Richards for the advantage of monitoring/tracking people that may need medical assistance (see col. 1, lines 22-25).

Allowable Subject Matter

Claims 6-7, 8-11 and 18-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note: claims 7, 9-11 and 19 are indicated as allowable because of their dependency on respectively claims 6, 8 and 18.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in black ink, appearing to read 'Zewdu, Meless', written in a cursive style.

Patent examiner

28 November 2007.